REMARKS

Entry of the foregoing, reexamination and reconsideration of the above-identified application is respectfully requested.

The Official Action asserts that applicants' undersigned representative made a provisional election to the former Examiner for this application to prosecute the invention of Group I, claims 1-10, on March 27, 2003. This assertion is in error. Such an election was never made. On March 27, 2003, the undersigned representative received from Examiner Truong the telephonic restriction requirement for this application. On March 27th, a letter was sent to the client informing them of the restriction. Upon review of the file, it is clear that instructions were not received from applicants regarding which invention Group should be elected. Upon review of the telephone records, it is clear that only one call was made to Examiner Truong on March 27th, during which the restriction requirement was received. No other telephone calls to the Examiner's number were made on that or any other day, as shown by the telephone records.

It, therefore, appears that the indication of applicants' election was inadvertently made in error. This error was discussed with the current Examiner for this application on June 16, 2003. The Examiner agreed that the Group II invention would be examined in the instant application. Applicants note with appreciation the Examiner's helpfulness in this regard.

The specification has been objected to, as incorporating by reference several Japanese patents, which patents allegedly contain "essential material." This objection is respectfully traversed.

The passage at page 6 refers to several chymase inhibitors known in the art. Such compounds were known in the art at the time of the instant invention. The incorporated references do not describe "essential material." Instead, they describe the general state of the art at the time the application was filed, regarding known chymase inhibitors. As recited in the claims, the claimed invention is a method for preventing or treating particular diseases using chymase inhibitors. Known chymase inhibitors could be used, and such compounds would be readily available in the art. Such compounds are thus described. The particular compounds of the references are described on pages 6-7. Further information is not necessary.

Withdrawal of the objection to the specification is respectfully requested and believed to be in order.

Claims 1, 2 and 5-10 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is now moot in view of the cancellation of these claims.

Claims 1-5 have been rejected under 35 U.S.C. §112, first paragraph, as the specification allegedly does not enable the full scope of the claims. This rejection, as it applies to the claims now of record, is respectfully traversed.

Claim 11 recites "chymase inhibitors" and is fully enabled. One skilled in the art would recognize what are "chymase inhibitors." Such compounds were known in the art at the time of the instant invention. Known chymase inhibitors are described, for example, at page 3, line 13 - page 4, line 6, and at page 6, line 4 - page 7, line 2. Since compounds, in addition to those of formula (1), are known and available in the art, further description

in the specification is not necessary. Such compounds are known to be chymase inhibitors. Moreover, the specification describes at page 6, lines 4-9, that chymase inhibitors suitable for use in the claimed method can be selected using the method described in Example 1 of the instant application.

Starting material and reaction conditions for making other compounds thus need not be disclosed since such compounds were known in the art at the time of the invention.

In view of the above, withdrawal of the rejection of record is respectfully requested and believed to be in order.

Claims 1-5 have been rejected under 35 U.S.C. §102(a) as allegedly being inherently anticipated by Ishida et al (WO 99/41277). Claims 1-5 have been rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Fukami et al (WO 00/10982). Claims 1-5 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Akaha et al (JP 10-053579). Claims 1-5 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Niwata et al (*J. Med. Chem.*, 1997, 40:2156-63). Claims 1-5 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the following references: Akahoshi et al (U.S. Patent No. 5,948,785) and Akahoshi et al (U.S. Patent No. 6,080,738). Claims 1-5 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Fukami et al (U.S. Patent No. 5,691,335). Claims 1-10 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Fukami et al (EP 795,548). Claims 1-10 have been rejected under 35 U.S.C. §102(e) as allegedly being inherently anticipated by Fukami et al (U.S. Patent No. 5,814,631). Claims 1-5 have been rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Tani et al (WO

00/32587). These rejections of record are now moot in view of the instant amendment. None of the cited art discloses or suggests a method for suppressing lipid deposition in a blood vessel by administering to a patient in need of such treatment a chymase inhibitor in an amount effective for suppressing lipid deposition in the blood vessel.

Withdrawal of the prior art rejections of record are thus respectfully requested and believed to be in order.

Claims 6-10 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-3, 8 and 9 of U.S. Patent No. 5,814,631. The instant compounds and compositions are said to embrace the scope of those claimed in the '631 Patent.

Claims 6-10 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-6 and 20-22 of copending Application No. 09/763,213. The instant claims are said to not be patentably distinct because formula (1) of the instant application and compositions comprising same would allegedly embrace those claimed in co-pending Application No. 09/763,213.

These obviousness-type double patenting rejections have been rendered moot by the instant amendment. The rejected claims have been deleted. The cited patent and application do not disclose or suggest a method for suppressing lipid deposition in a blood vessel comprising administering to a patient in need of such treatment a chymase inhibitor in an amount effective for suppressing lipid deposition in the blood vessel.

Withdrawal of these rejections is respectfully requested and believed to be in order.

In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney at (650) 622-2360.

Further and favorable action in the form of a notice of allowance is respectfully requested.

Respectfully submitted,

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